

REMARKS

In the Office Action dated February 4, 2009, claims 1-7 and 9-12 were rejected under 35 U.S.C. §102(b) as being anticipated by Pinsky et al. This rejection is respectfully traversed for the following reasons.

As stated in Applicant's previous response, it is the position of the Applicant that the Pinsky et al. reference does not disclose the use of a proxy server that converts messages between at least one client and at least one server according to predetermined transformation rules.

As explained at numerous locations in the present specification, a proxy server that converts messages according to predetermined rules has the advantage of the proxy server then being basically "transparent" to the other components that are connected to the network, at the respective nodes. This is described, for example, in the penultimate paragraph at page 3 of the present specification, and is the first of the bullet points identified at page 6 of the present specification.

It is the use of the aforementioned transformation rules that makes the proxy server invisible or transparent to the other components. Because these transformation rules are embodied within the proxy server itself, these rules can be modified as needed, or a completely new set of transformation rules can be substituted for an existing set. Such changes will not be "noticed" by any of the components connected to the other nodes of the network.

Applicants submit that the Pinsky et al. reference provides no teaching whatsoever as to details of how the server disclosed in Pinsky et al. system operates. Since operating the server disclosed in Pinsky et al. reference in the manner disclosed and claimed in the present application would be a departure from

the conventional operation of a server, if the Pinsky et al. server did operate in such a manner, it would be necessary for there to be some description of this non-conventional manner of operation somewhere in the Pinsky et al. disclosure. There being no such description in the Pinsky et al. disclosure, Applicant submits this is evidence that the Pinsky et al. server does not operate in this manner. The passages cited by the Examiner compel this conclusion as well, because those passages describe interactions between the server disclosed in Pinsky et al. reference, and the components connected thereto, that would necessarily make the connected components “aware” of the operation of the server in Pinsky et al..

Applicant therefore submits that the passages cited by the Examiner are evidence that the Pinsky et al. server does not operate in the manner of the proxy server disclosed and claimed in the present application, and thus are evidence of a lack of anticipation of the claims of the present application by Pinsky et al., rather than evidence of anticipation by Pinsky et al.

In response to these arguments that were previously made, the Examiner stated, at page 6 of the latest Office Action, that the system disclosed in Pinsky et al. “of using a server, WAN/LAN and image acquiring hospitals coupled to a radiology hub is an art recognized equivalent to a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules.”

Applicant respectfully submits this is no more than supposition on the part of the Examiner. The most that can be said of the server disclosed in the Pinsky et al. reference is that it *routes* messages, but there is no description in Pinsky et al. that the server disclosed therein *converts* messages, much less that the server disclosed

in Pinsky et al. converts messages according to predetermined rules. Applicant submits that those of ordinary skill in the field of designing communication networks cannot equate “routing” with “converting,” even if the term “converting” is given its broadest reasonable interpretation.

Moreover, by equating not only the server, but the WAN/LAN and the image acquiring hospitals coupled to a regional radiology hub with a proxy server, the Examiner has included components in that allegedly equivalent combination that are expressly set forth in the claims of the present application as being *separate from* (i.e., connected to) the proxy server. If the overall combination of the server, WAN/LAN, and the image acquiring hospitals coupled to a regional radiology hub, is considered by the Examiner as being the equivalent of the claimed proxy server, then there is nothing left in the system described by the Examiner for connection to such a proxy server, since the Examiner has already included components connected to the server in this (allegedly) equivalent combination.

This is apparent from the Examiner’s parsing of claim 1 at page 3 of the Office Action with respect to the disclosure of Pinsky et al., wherein the Examiner has repeatedly relied upon the passage at column 1, lines 44-67 as allegedly corresponding to every component in the claim. If the Examiner contends that the server, WAN/LAN and the image acquiring hospitals coupled to a regional radiology hub are the equivalent of the proxy server in claim 1, then what is left in the Pinsky et al. disclosure to correspond to the separately claimed elements in claim 1 of an imaging modality, a computer workstation, a data transfer device, a storage device, and at least one further computer workstation. Claim 1 describes interconnections among all of these components, but the Examiner has apparently lumped these

components together in order to allegedly locate a "proxy server" in the Pinsky et al. reference that the Examiner contends operates according to the proxy server described in claim 1. Applicant respectfully submits the Examiner has not carefully identified individual components, and individual connections among those components, that track the explicit language in claim 1.

The same arguments apply to the steps of independent method claim 7.

Applicant therefore respectfully submits that none of claims 1-7 or 9-12 is anticipated by Pinsky et al., since the Pinsky et al. reference merely describes a general collection of components, but those components are not individually connected as set forth in the independent claims, nor do those *individual* components operate as set forth in the claims of the present application.

Early reconsideration of the application is therefore respectfully requested.

Applicant herewith requests an extension of time of one month for responding to the Office Action dated February 4, 2009, so that the period for responding thereto is extended from May 4, 2009 to June 4, 2009. This response is accompanied by electronic payment in the amount of \$130.00 for the requisite extension fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,

 (Reg. 28,982)

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